

North Smithfield Zoning Board of Review
June 9, 2015, 7:00 pm
Kendall Dean School
83 Green Street, Slatersville, RI

The Chair called the meeting to order at 7:05 pm.

1. Roll Call

Present: Chair William Juhr, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio and Robert Najarian. Also present was Town Solicitor David Igliozi, Building and Zoning Official, James Cambio, and Zoning Inspector, Carl Johnson. Absent: Steve Scarpelli and Asst. Town Solicitor Stephen Archambault.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, April 14, 2015.

Mr. Marcantonio made a motion to approve the minutes of April 14, 2015. Mr. Pasquariello seconded the motion, with all in favor.

4. Discussion, by Zoning Board of Review, status update, vote or other action on application and written decision for Parul Butala, Planning & Zoning Manager for AMERCO Real Estate Company, requesting a special use permit for an internal, climatized, self-storage facility from Section 5.4.8, Subsection (8) located at 408 Eddie Dowling Highway, North Smithfield, AP 13, Lot 150. Zoning District: Business Highway (BH).

Mr. Juhr stated the decision was received by email around 8:00 p.m. on June 8, 2015 and asked if all members had a chance to review – Mr. Marcantonio does not have email. Mr. DiNunzio made a motion to approve the decision. Mr. Marcantonio seconded the motion, with all in favor.

5. Application for Richard Gentes, (DBA Road Runner Auto Sales) requesting a use variance to sell 10 cars from his property located at 445 St. Paul St., North Smithfield, AP 3, Lot 164, Zoning District: LC (Limited Commercial) from Section 5.4.7 subsection 9.

Richard Gentes, applicant, and Edward Pimentel, Land Use Consultant and Municipal Planner were sworn in.

Mr. Pimentel stated the applicant would like to utilize a small corner portion on St. Paul Street approximately 4 ½ - 5 acres of land, which has been surveyed, to display 10 vehicles.

P1) Town of North Smithfield Application for Certificate of Zoning Compliance, Application No ZC-2015-03, 1 page, right hand corner date issued 01/15/15, left hand corner dated 1/13/15 by Tax Collector, RL.

P2) Application for Hearing before Zoning Board of Review, ZC-2015-03, filled out by the applicant dated 4-21-15, Zone: LC for Use Variance, 1 page.

P3) Town of North Smithfield letterhead, Application No 2015-03, signed by Richard R. Gentes, dated 4-21-15, this document acknowledges that the applicant knows all of the requirements he is putting before the board, 1 page.

P4a) Zoning Board Hearing Worksheet prepared by the Zoning Official, no date, Owner Richard Gentes, 445 St. Paul St, North Smithfield, Plat 3, Lot 164, summary of hearing request, 1 page.

P4b) Zoning Board Hearing Worksheet identified the fee schedule including the notification to abutters, and stenographer fee for a total of \$1,013.94, 1 page.

P5) Abutter's List for Richard Gentes, 6 people, dated May 2015, Plat 3, Lot 164.

P6) 200' Radius Map stamped by Marc N. Nyberg, Professional Land Surveyor, dated May 2015 from Marc N. Nyberg Associates, Land Surveyors and Planners, 501 Great Road.

P7) Handwritten copied letter dated 9-21-14, To whom it may concern, I, Richard Gentes, owner of 445 St. Paul St., North Smithfield ask for a use variance on my property. I have previously been renting space and keeping some space for my construction business. However I've been having a hard time keeping space rented. So I ask for a variance allowing me to have a small used car sales area on this 6 acre parcel to help generate income. There will be no repairs on sight and less than 10 cars on property at one time. Thank you Rick Gentes

B1) Google earth of the site, taken by satellite on 9-27-14.

Mr. Pimentel submitted his resume and reviewed three documents he submitted to the Board. The applicant would like to preserve his industrial business which is well screened and have the ability to keep the pervious surface instead of a hard surface.

Pursuant to the Zoning Ordinance, Section 9.3.1 (a) The hardship results from unique characteristics of land and structure. Presently a several acre light industrial property is well under-utilized, half to three quarters of the present facility remaining stagnant. The present proposal will be using a small portion of vacant land resources for a use that is not only compatible with on-site operations, but the neighborhood. This will also assist in generating tax revenue and maintaining the viability of the industrial site as it attempts to reorganize.

(b) The property has long been zoned Limited Commercial – appropriate usage be light industry and similar activities – car sales thereby being quite appropriate. Current zoning designation and usage activities have long been established and not specifically any personal action. The current land use proposal is merely to realize continued viability of the property and not primarily to realize greater financial gain.

(c) There will clearly be no neighborhood impact as evidenced by the results of the neighborhood analysis. A full review of the Comprehensive Plan evidences full consistency. The

entire stretch of properties from 146A to 375 St. Paul Street, sandwiched between St. Paul Street and the Branch River, are all zoned Limited Commercial. Across St. Paul Street, to the south, are several residences are well screened. The only residence directly across the street is well screened. There is a somewhat larger car sales operation on 700 St. Paul Street next to the Little General.

(d) Full dimensional compliance will be realized. The sole relief being the requisite use relief. Recommend to preserve the greenery in the area as a tree canopy. Need a small compact area for the cars.

(e) As evidenced in the neighborhood analysis, there are an assortment of pre-existing nonconforming uses lining St. Paul Street. Recommend maintaining the trees and street canopy because of the residents next door and across the street. Not only will this rather minor accessory operation have no negative impact on the neighborhood, but greatly assist in realizing economic viability.

In addition, the Zoning Board of Review shall require that evidence be entered into the record of the proceedings showing that: (a) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. This land use consultant refers to the Comprehensive Plan – Economic Development Element, which clearly states ‘Review the Zoning Ordinance as it pertains to industrial and commercial zoned areas and investigate the feasibility of implementing greater use flexibility in these zones...’

Mr. Pimental said the applicant is asking for a use variance for automotive sales on the lot. The applicant would like to reduce pervious surface – maintain a tree canopy as a visible barrier. This is not a standard parking area. The printed satellite map was reviewed.

Richard Gentes stated he has a construction business operating from the site with approximately 9,000 sq. ft space that he was renting as a machine shop but now vacant. He is looking to sell cars and pickup trucks to help pay the taxes and mortgage of the building.

Mr. Juhr stated that Robert Najarian has a relationship with the applicant and therefore will abstain from voting but can ask questions.

Mr. Marcantonio asked about the expansion of the nonresidential tax base and if it allows the Tax Assessor to tax more for the property. Mr. Pimentel stated the entire industrial sectors have experienced significant decline and the Town relies on residential taxes.

Mr. Najarian asked if the applicant would pursue tenants for the other part of the building not being used. Mr. Pimental said they want to keep the industrial facility viable and the 10 cars would not interfere with other tenants. This business has to remain small and cannot expand or grow. Mr. Gentes stated he was previously getting \$5,200 a month for rental and when the tax bill came out the tenants moved out of North Smithfield.

Mr. DiNunzio has visited the site and has no problem.

Mr. Gentes does not want signage because he does not want it to appear commercial. Mr. Juhr has concerns that the applicant is not parking the cars on asphalt.

The meeting was closed to the public at 7:50 p.m.

Mr. Juhr stated his concern was the water behind the building and gas getting into the ground and into the water system – he would prefer pavement instead of grass. He would like the applicant to stipulate he would put asphalt under the cars and locate them to the north of the property. Mr. Najarian said with all the trees in the front of the property – cannot see the property from the street.

Town Solicitor, David Igliozi, stated the applicant is subject to state use car licensing requirements for used car sales.

Mr. DiNunzio made a motion to approve Application 2015-03 for the display of 10 or fewer vehicles for sale based on the following conditions: 1) conform with Town requirements for hard surface in all parking areas, 2) display area not be located in the south section of the property, 3) conform to all state requirements for used car sales, 4) RI DOT register no objection to the plan. Mr. Martin seconded the motion with all in favor. Roll call vote was as follows: YES: Mr. Martin, Mr. Pasquariello, Mr. DiNunzio, Mr. Marcantonio and Mr. Juhr. Motion passed unanimously, with a vote of 5-0.

6. Application for SolBright Renewable Energy, LLC requesting a special use permit to install and operate a 1,249 kilowatt DC nameplate solar photovoltaic system on the property of Lyn & Michael Spinella identified as Brookside Equestrian located at 90 Tifft Rd, North Smithfield, AP 4, Lots 49, 319, 397, Zoning District: REA from Section 5.7.

Mr. Juhr stated there is no REA Zoning district it was revised to RRC. The packet references REA. Mr. Igliozi the Zoning Book refers to REA-120 as residential district and can't have this type of project in REA. If it has been converted to RRC, conservation area, the question becomes whether Section 5.7 allows that.

“Section 5.7 refers to Ground-mounted solar photovoltaic installations. The provisions of this section shall apply to construction, operation and/or repair of any ground-mounted solar photovoltaic installation with a minimum nameplate capacity of 250 kilowatt direct current (kW DC). Ground-mounted solar photovoltaic installations with a minimum nameplate capacity of 250 kilowatt direct current (kW DC) shall only be allowed in the general commercial zoning district by special use permit.”

Mr. Igliozi stated first they need to find out if the application qualifies for a special use permit under this code. Mr. Juhr said he went through the document and it references REA and should be changed to RRC. Mr. Juhr read section (2) Location. Ground-mounted solar photovoltaic installations with a minimum nameplate capacity of 250 kilowatt direct current (kW DC) shall only be allowed in the general commercial zoning district by special use permit.

Mr. Igliazzi discussed section (1) Development plan review. Each solar photovoltaic installation application must be reviewed by the North Smithfield Planning Board in accordance with Section 17. Mr. Juhr said the applicant has the option of going before the Zoning Board or Planning Board first. Mr. Juhr wants all the documents to be correct and to continue the meeting at another date. This would not have to be advertised again.

The Zoning Official needs to research and determine the appropriate zoning district.

Mr. Andrew Streit, and Ryan Black from SolBright Renewable Energy, were sworn in.

Mr. Black submitted the application and based on the Town's website REA now looked on the website and saw RRC. The applicant is preparing the application for Planning review. Mr. Cambio stated the applicant is going to Planning for site plan review on Thursday, June 18, 2015.

The meeting will be continued to June 23, 2015. The Building Official will straighten out the discrepancy of the zone and packets to board members need to go out within the next 5 days. Mr. Juhr asked Mr. Igliazzi to attend this meeting.

Mr. Martin said it will not be reposted or advertised since a meeting date has been set for June 23, 2015. Mr. Juhr wants all new paperwork from the applicant identifying the correct zoning district.

Mr. Juhr asked Mr. Cambio about updating the Zoning Book for the board.

A motion was made by Mr. DiNunzio, seconded by Mr. Martin, to continue the meeting to June 23, 2015 with all in favor.

Mr. Pasquariello asked about the Abutter's List and if they have to notify DOT if it is a state road. Mr. Igliazzi stated the applicant provides the Abutters List and if it is incorrect it is a defective decision. It is the applicant's responsibility not the Town.

7. Adjourn

Mr. Martin made a motion to adjourn at 8:30 p.m. Mr. DiNunzio seconded the motion, with all in favor.

Submitted by Diane Agostini